

**Introduced by Senator Escutia**

February 22, 2000

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An act to amend Sections 8202, 8263, and 8263.1 of, and to add Section 8276.8 to, the Education Code, relating to child care and development.

LEGISLATIVE COUNSEL'S DIGEST

SB 1703, as introduced, Escutia. Child care and development.

(1) Existing law provides the priority for state and federally subsidized child development services except as provided for in child care for recipients of the CalWORKs program.

This bill would also include provisions in the annual Budget Act as an exception for purposes of these priorities.

(2) Existing law provides that "income eligible" means that a family's adjusted monthly income is at or below 75% of the state median income, adjusted for family size, and adjusted annually.

Existing law also provides that children in subsidized child care programs with an exit criteria of 100% of the state median income, whose family income is adjusted for family size, is above 75% of the state median income shall not be displaced and shall continue to receive child care services as long as they continue to meet the program's criteria.

This bill would provide that for the purpose of establishing initial eligibility, "income eligible" means that a family's adjusted monthly income is at or below 75% of the state median income, adjusted for family size, and adjusted

annually, and, for the purpose of determining continuing eligibility, means that a family's adjusted monthly income is at or below 100% of the state median income, adjusted for family size, and adjusted annually.

The bill would provide that children receiving subsidized child care and development services whose family income adjusted for family size is at or below 100% of the state median income would continue to receive child development services as long as they continue to meet other eligibility criteria.

(3) Existing law requires the Superintendent of Public Instruction to adopt rules and regulations on eligibility, enrollment, and priority of services needed to implement the provisions of the Child Care and Development Services Act. Existing law requires the superintendent to submit to the Joint Legislative Budget Committee a report documenting the performance of child care and development programs.

This bill would state the Legislature's intent to provide sufficient funding through an appropriation in the annual Budget Act to fund the cost of providing high quality child care and development services for all individuals who meet the income eligibility criteria by 2005. The bill would require the Superintendent of Public Instruction to submit to the Legislature a plan for providing that high quality child care and those developmental services. The bill would also require the superintendent to provide child care and development services for all income eligible individuals, operative January 1, 2005.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 8202 of the Education Code is  
2 amended to read:

3 8202. It is the intent of the Legislature that:

4 (a) All families have access to *high quality* child care  
5 and development services, through resource and referral  
6 services, where appropriate, regardless of ethnic status,  
7 cultural background, or special needs. It is further the  
8 intent that *high quality* subsidized child care and



1 development services be provided to persons meeting  
2 the *income* eligibility criteria established under this  
3 chapter *by 2005, and* to the extent funding is made  
4 available by the Legislature and Congress, *to all persons*  
5 *meeting the other eligibility criteria.*

6 (b) The healthy physical, cognitive, social, and  
7 emotional growth and development of children be  
8 supported.

9 (c) Families achieve and maintain their personal,  
10 social, economic, and emotional stability through an  
11 opportunity to attain financial stability through  
12 employment, while maximizing growth and  
13 development of their children, and enhancing their  
14 parenting skills through participation in child care and  
15 development programs.

16 (d) Community-level coordination in support of child  
17 care and development services be encouraged.

18 (e) Families have a choice of programs that allow for  
19 maximum involvement in planning, implementation,  
20 operation, and evaluation of child care and development  
21 programs.

22 (f) Parents and families be fully informed of their  
23 rights and responsibilities to evaluate the quality and  
24 safety of child care programs, including, but not limited  
25 to, their right to inspect child care licensing files.

26 (g) Planning for expansion of child care and  
27 development programs be based on ongoing local needs  
28 assessments.

29 (h) The Superintendent of Public Instruction, in  
30 providing funding to child care and development  
31 agencies, promote a range of services which will allow  
32 parents the opportunity to choose the type of care most  
33 suited to their needs. The program scope may include the  
34 following:

35 (1) Programs located in centers, family day care  
36 homes, or in the child's own home.

37 (2) Services provided part-day, full-day, and during  
38 nonstandard hours including weekend care, night and  
39 shift care, before and after school care, and care during  
40 holidays and vacation.

1 (3) Child care services provided for infants, preschool,  
2 and schoolage children.

3 (i) The Superintendent of Public Instruction be  
4 responsible for the establishment of a public hearing  
5 process or other public input process that ensures the  
6 participation of those agencies directly affected by a  
7 particular section or sections of this chapter.

8 SEC. 2. Section 8263 of the Education Code is  
9 amended to read:

10 8263. (a) The Superintendent of Public Instruction  
11 shall adopt rules and regulations on eligibility,  
12 enrollment, and priority of services needed to implement  
13 this chapter. In order to be eligible for federal and state  
14 subsidized child development services, families shall  
15 meet at least one requirement in each of the following  
16 areas:

17 (1) A family is (A) a current aid recipient, (B) income  
18 eligible, (C) homeless, or (D) one whose children are  
19 recipients of protective services, or whose children have  
20 been identified as being abused, neglected, or exploited,  
21 or at risk of being abused, neglected, or exploited.

22 (2) A family needs the child care service because the  
23 child is identified by a legal, medical, social service  
24 agency, or emergency shelter as (A) a recipient of  
25 protective services, (B) being neglected, abused, or  
26 exploited, or at risk of neglect, abuse, or exploitation, or  
27 (C) having a medical or psychiatric special need which  
28 cannot be met without provision of child day care, or the  
29 parents are (i) engaged in vocational training leading  
30 directly to a recognized trade, paraprofession, or  
31 profession, (ii) employed or seeking employment, (iii)  
32 seeking permanent housing for family stability, or (iv)  
33 incapacitated, including a medical or psychiatric special  
34 need which cannot be met without provision of child day  
35 care.

36 (b) Except as provided in Article 15.5 (commencing  
37 with Section 8350) *and as provided in the annual Budget*  
38 *Act*, priority for state and federally subsidized child  
39 development services is as follows:



(1) First priority shall be given to neglected or abused children who are recipients of child protective services, or recipients who are at risk of being neglected or abused, upon written referral from a legal, medical, or social service agency. When an agency is unable to enroll a child in the first priority category, the agency shall refer the family to local resource and referral services to locate services for the child.

(2) Second priority shall be equally given to eligible families, regardless of the number of parents in the home, who are income eligible. Within this priority, families with the lowest gross monthly income in relation to family size, as determined by a schedule adopted by the superintendent, shall be admitted first. When two or more families are in the same priority in relation to income, the family that has been on the waiting list for the longest amount of time shall be admitted first. For purposes of determining order of admission, the grants of public assistance recipients shall be counted as income.

(3) The superintendent shall set criteria for and may grant specific waivers of the priorities established in this subdivision for agencies that wish to serve specific populations, including disabled children or children of prisoners. These new waivers shall not include proposals to avoid appropriate fee schedules or admit ineligible families, but may include proposals to accept members of special populations in other than strict income order, as long as appropriate fees are paid.

(c) Notwithstanding any other provision of law, in order to promote continuity of services, a family enrolled in a state or federally funded child care and development program whose services would otherwise be terminated because the family no longer meets the program income, eligibility, or need criteria may continue to receive child development services in another state or federally funded child care and development program if the contractor is able to transfer the family's enrollment to another program for which the family is eligible prior to the date of termination of services or to exchange the family's existing enrollment with the enrollment of a

1 family in another program, provided that both families  
2 satisfy the eligibility requirements for the program in  
3 which they are being enrolled. The transfer of enrollment  
4 may be to another program within the same  
5 administrative agency or to another agency that  
6 administers state or federally funded child care and  
7 development programs within that county.

8 (d) A physical examination and evaluation, including  
9 age-appropriate immunization, shall be required prior to,  
10 or within six weeks of, enrollment. No standard, rule, or  
11 regulation shall require medical examination or  
12 immunization for admission to a child care and  
13 development program of a child whose parent or  
14 guardian files a letter with the governing board of the  
15 child care and development program stating that the  
16 medical examination or immunization is contrary to his  
17 or her religious beliefs, or provide for the exclusion of a  
18 child from the program because of a parent or guardian  
19 having filed the letter. However, whenever there is good  
20 cause to believe that a child is suffering from a recognized  
21 contagious or infectious disease, the child shall be  
22 temporarily excluded from the program until the  
23 governing board of the child care and development  
24 program is satisfied that any contagious or infectious  
25 disease does not exist.

26 (e) Regulations formulated and promulgated  
27 pursuant to this section shall include the  
28 recommendations of the State Department of Health  
29 Services relative to health care screening and the  
30 provision of health care services. The superintendent  
31 shall seek the advice and assistance of these health  
32 authorities in situations where service under this chapter  
33 includes or requires care of ill or disabled children.

34 (f) The superintendent shall establish a fee schedule  
35 for families utilizing child care and development services  
36 pursuant to this chapter. The income of a recipient of  
37 federal supplemental security income benefits pursuant  
38 to Title XVI of the Federal Social Security Act (42 U.S.C.  
39 Sec. 1381 et seq.) and state supplemental program  
40 benefits pursuant to Title XVI of the Federal Social

1 Security Act and Chapter 3 (commencing with Section  
2 12000) of Part 3 of Division 9 of the Welfare and  
3 Institutions Code shall not be included as income for the  
4 purposes of determining the amount of the family fee.  
5 The fee schedule shall include, but not be limited to, the  
6 following restrictions:

7 (1) No fees shall be assessed for families whose  
8 children are enrolled in the state preschool program.

9 (2) A contractor or provider may require parents to  
10 provide diapers. A contractor or provider offering field  
11 trips either may include the cost of the field trips within  
12 the service rate charged to the parent or may charge  
13 parents an additional fee. No federal or state money shall  
14 be used to reimburse parents for the costs of field trips if  
15 those costs are charged as an additional fee. A contractor  
16 or provider that charges parents an additional fee for field  
17 trips shall inform parents, prior to enrolling the child, that  
18 a fee may be charged and that no reimbursement will be  
19 available. A contractor or provider may charge parents  
20 for field trips or require parents to provide diapers only  
21 under the following circumstances:

22 (A) The provider has a written policy that is adopted  
23 by the agency's governing board that includes parents in  
24 the decisionmaking process regarding both of the  
25 following:

26 (i) Whether or not, and how much, to charge for field  
27 trip expenses.

28 (ii) Whether or not to require parents to provide  
29 diapers.

30 (B) The maximum total of charges per child in a  
31 contract year does not exceed twenty-five dollars (\$25).

32 (C) No child is denied participation in a field trip due  
33 to the parent's inability or refusal to pay the charge. No  
34 adverse action shall be taken against any parent for that  
35 inability or refusal.

36 Each contractor or provider shall establish a payment  
37 system that prevents the identification of children based  
38 on whether or not their parents have paid a field trip  
39 charge.

1 Expenses incurred and income received for field trips  
2 pursuant to this section, shall be reported to the State  
3 Department of Education. The income received for field  
4 trips shall be reported specifically as restricted income.

5 (g) The superintendent shall establish guidelines for  
6 the collection of employer-sponsored child care benefit  
7 payments from any parent whose child receives  
8 subsidized child care and development services. These  
9 guidelines shall provide for the collection of the full  
10 amount of the benefit payment, but not to exceed the  
11 actual cost of child care and development services  
12 provided, notwithstanding the applicable fee based on  
13 the fee schedule.

14 (h) The superintendent shall establish guidelines  
15 according to which the director or a duly authorized  
16 representative of the child care and development  
17 program will certify children as eligible for state  
18 reimbursement pursuant to this section.

19 (i) No public funds shall be paid directly or indirectly  
20 to any agency that does not pay at least the minimum  
21 wage to each of its employees.

22 SEC. 3. Section 8263.1 of the Education Code is  
23 amended to read:

24 8263.1. (a) For purposes of this chapter, “income  
25 eligible” means that a family’s adjusted monthly income  
26 is at or below 75 percent of the state median income,  
27 adjusted for family size, and adjusted annually *for the*  
28 *purpose of establishing initial eligibility and is at or below*  
29 *100 percent of the state median income, adjusted for*  
30 *family size, and adjusted annually for the purpose of*  
31 *determining continuing eligibility.* The income of a  
32 recipient of federal supplemental security income  
33 benefits pursuant to Title XVI of the Federal Social  
34 Security Act (42 U.S.C. Sec. 1381 et seq.) and state  
35 supplemental program benefits pursuant to Title XVI of  
36 the Federal Social Security Act and Chapter 3  
37 (commencing with Section 12000) of Part 3 of Division 9  
38 of the Welfare and Institutions Code shall not be included  
39 as income for the purposes of determining eligibility for  
40 child care under this chapter.



(b) As of January 1, 1998, children in subsidized child care programs with an exit criteria of 100 percent of the state median income, whose family income adjusted for family size, is above 75 percent of the state median income shall not be displaced and shall continue to receive child care services as long as they continue to meet the criteria that apply to the program on December 31, 1997. The parent fee schedule for these programs in effect on December 31, 1997, shall continue to be applied until the department adopts a new fee schedule that applies to these families.

*(c) As of January 1, 2001, children receiving subsidized child care and development services whose family income adjusted for family size is at or below 100 percent of the state median income shall continue to receive child development services as long as they continue to meet other eligibility criteria.*

SEC. 4. Section 8276.8 is added to the Education Code, to read:

8276.8. (a) It is the intent of the Legislature to provide sufficient funding through an appropriation in the annual Budget Act to fund the cost of providing high quality child care and development services for all individuals who meet the income eligibility criteria set forth in Section 8263.1 by 2005.

(b) On or before March 1, 2001, the Superintendent of Public Instruction shall submit to the Legislature a plan for providing high quality child care and development services for all individuals who meet the income eligibility criteria by 2005, including an estimate of cost.

(c) The Superintendent of Public Instruction shall provide child care and development services for all income eligible individuals. This subdivision shall become operative on January 1, 2005.